

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1462 OF 2004

Office notes, office Memoranda
of Coram, appearance, Court's
orders or directions and
Registrar's orders.

Court's or Judge's orders.

Ms.M.M.Mhatre,APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : 09/1/2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order dated 31.8.2004 passed by the III Addl. Sessions Judge, Thane acquitting the accused for offence punishable under Section 498A and 306 of the I.P.C. On perusal of the impugned judgment and order, I find that cogent and acceptable reasons are given for acquitting the accused. There are two dying declarations and one of them do not implicate the accused and do not suggest any wrong done on his part. The prosecution story was that deceased

and the accused were staying in rented premises. The rental payment was in arrears for three months and it was for this reason accused was asking his wife to bring money for payment of due rent. The Trial Court has observed that the landlord was not examined to prove the fact that there were arrears in the payment of rent. In my view, not a fit case for interference. Hence, leave refused. Consequently appeal stands dismissed.

(R. S. MOHITE, J.)